



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

Planning, Programs, and
Project Management Division
Environmental Planning
and Compliance Branch

Decision Record

Individual Environmental Report #29
Contractor-Furnished Borrow Material #4
Orleans, St. John the Baptist, and St. Tammany Parishes, Louisiana

IER #29

Description of Proposed Action. The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District (CEMVN) proposes to approve three potential borrow sites to be used under the contractor-furnished borrow area program to supply levee building material to the CEMVN projects in the New Orleans area. The proposed borrow areas are located in Orleans, St. John the Baptist, and St. Tammany Parishes, Louisiana. Upon approval of these three sites, any suitable materials found at the sites could be utilized by a construction contractor to complete levee or floodwall projects for the proposed Greater New Orleans Hurricane and Storm Damage Risk Reduction System (HSDRRS).

On 22 July 2009, Draft Individual Environmental Report #29 (IER #29) and public notice for the subject proposed actions were distributed to the public, and comments were solicited. Forty-three written comments were received by the CEMVN from governmental agencies, citizens, and Indian tribes (appendix B, appendix D). A public meeting for the proposed action was held on 13 August 2009, at which a number of verbal comments were received (appendix B). A series of public meetings discussing proposed HSDRRS projects, including the proposed action, have been held since March 2007.

Factors Considered in Determination. The CEMVN has assessed the impacts of the proposed action on significant resources in the proposed project areas, including jurisdictional wetlands, non-jurisdictional bottomland hardwood forest (BLH), upland resources, farmland, fisheries, wildlife, threatened and endangered species, cultural resources, recreational resources, noise quality, air quality, water quality, transportation, aesthetics, environmental justice, and socioeconomic resources.

Data gaps in the transportation, environmental justice, noise, air, and visual resource discussions in the IER will be discussed in the Cumulative Environmental Document (CED) as information becomes available.

Mitigation. It has been determined that the proposed action would not impact any jurisdictional wetlands. The proposed action would impact approximately 51.50 Average Annualized Habitat Units (AAHU) of non-jurisdictional BLH, the compensatory mitigation for which would be completed by the landowner before excavation, and will be addressed in future mitigation IERs.

Impacts to non-jurisdictional BLH forest were assessed in cooperation with the U.S. Fish and Wildlife Service (USFWS) and the CEMVN under the requirements of the National

Environmental Policy Act, Fish and Wildlife Coordination Act, and Section 906 (b) of the Water Resources Development Act of 1986. The impacts for the proposed action are shown in Table 1.

Table 1: BLH AAHUs of Mitigation Needed

Proposed Borrow Area	Parish	BLH Impacted (acres)	AAHUs Lost
Eastover Phase II	Orleans	31.1	6.5
Tammany Holding	St. Tammany	0.00	0.00
Willow Bend Phase II	St. John the Baptist	76.2	24.1
Total		107.3	48.6

Note: Mitigation values may decrease because of further geotechnical evaluation of proposed borrow areas (i.e., acreage with unsuitable soils will not be impacted).

Mitigation IERs will be prepared documenting and compiling the unavoidable impacts discussed in each IER. The mitigation IERs will implement compensatory mitigation as early as possible. All mitigation activities will be consistent with applicable laws, policies, and regulations.

Environmental Design Commitments. The CEMVN is coordinating with the USFWS to implement the recommendations laid out in the borrow selection Planning-Aid Letter (letter dated 7 August 2006, appendix D), programmatic Coordination Act Report (CAR) (letter dated 26 November 2007, appendix D), and the IER #29 CAR (draft CAR dated 29 May 2009, final CAR dated 03 September 2009, appendix D). The recommendations set forth in the CARs, and the CEMVN's responses, are found on pg. 140 and 141 of IER #29.

The Louisiana State Historic Preservation Officer (SHPO) requests that if any unrecorded cultural resources are determined to exist within the proposed borrow areas, then no work will proceed in the area containing these cultural resources until a CEMVN staff archeologist has been notified and final coordination with the SHPO and interested Tribal Historic Preservation Officers has been completed.

Colonial nesting wading birds (including herons, egrets, and Ibis), seabirds/water-birds (including terns, gulls, black skimmers, and brown pelicans) and bald eagles have the potential to nest in the proposed project area. The nesting birds and their nests will not be disturbed or destroyed. The CEMVN can provide additional information on bird species and known nesting sites to construction contractors, and should be contacted if any area within 650 feet of the construction zone would be disturbed.

Agency & Public Involvement. Governmental agencies, non-governmental organizations, and citizens were engaged throughout the preparation of IER #29. Agency staff from the USFWS, National Marine Fisheries Service (NMFS), U.S. Environmental Protection Agency, U.S. Geologic Survey, National Park Service, Louisiana Department of Environmental Quality, Louisiana Department of Natural Resources, and Louisiana Department of Wildlife and Fisheries (LaDWF) are part of an interagency team that has and will continue to have input throughout the HSDRRS planning process (appendix C).

There have been over 100 public meetings since March 2007 about proposed HSDRRS work. Borrow issues have been discussed at most meetings, and a "borrow handout" has been available at all meetings since July 2007. The CEMVN sends out public notices in local newspapers, news releases (routinely picked up by television and newspapers in stories and scrolls), and mail

notifications to stakeholders for each public meeting. In addition, the website www.nolaenvironmental.gov was set up to provide information to the public regarding proposed HSDRRS work. The CEMVN also maintains a list of interested stakeholders that are notified by e-mail of the meetings. Public meetings will continue throughout the planning process.

Forty-three written comments were received during the public review period for IER #29. Copies are enclosed in the final IER (appendix B, appendix D). Letters were received from governmental agencies, Indian tribes, and members of the public. In addition, a number of verbal comments were received at a public meeting for the proposed action, which can be found in appendix B.

Comments Received:

1. Agency Comments (found in appendix D)
 1. USFWS
 - 1) Planning-aid letter dated 07 August 2006
 - 2) Draft CAR dated 29 May 2009
 - 3) Final CAR dated 03 September 2009
 - 4) Comment letter dated 20 August 2009
 2. NMFS concurrence of no significant impact to essential fish habitat (EFH) dated 12 August 2009
 3. NRCS comment letter dated 17 August 2009
 4. LaDWF comment letter dated 20 August 2009
 5. LaDEQ comment letter dated 26 August 2009
2. Written Public Comments (found in appendix B)
 1. Choctaw Nation of Oklahoma comment letter dated 30 July 2009
 2. Anonymous e-mail dated 31 July 2009
 3. Anonymous e-mail dated 12 August 2009
 4. Barry Pilson e-mail dated 12 August 2009
 5. Anonymous e-mail dated 12 August 2009
 6. Ruby DuCre-Gethers e-mail dated 12 August 2009
 7. Cameron Barr e-mail dated 12 August 2009
 8. Anonymous e-mail dated 12 August 2009
 9. R.A. Henault and J.K. Henault e-mail dated 13 August 2009
 10. Anonymous e-mail dated 13 August 2009
 11. Anonymous e-mail dated 13 August 2009
 12. James M. Brown, III e-mail dated 13 August 2009
 13. Anonymous e-mail dated 13 August 2009
 14. Anonymous e-mail dated 14 August 2009
 15. Anonymous e-mail dated 14 August 2009
 16. Anonymous e-mail dated 14 August 2009
 17. Gillian McKay e-mail dated 14 August 2009
 18. Alabama-Coushatta Tribe of Texas comment letter dated 14 August 2009
 19. Anonymous e-mail dated 15 August 2009
 20. Anonymous e-mail dated 15 August 2009
 21. Anonymous e-mail dated 15 August 2009
 22. Jacqueline Mae Goldberg-Brehm comment letter dated 17 August 2009
 23. Cleo Cage e-mail dated 17 August 2009
 24. Pearl M. Cantrelle e-mail dated 18 August 2009
 25. Vernon Abadie e-mail dated 19 August 2009
 26. Mr. and Mrs. Jeffrey A. Gates letter dated 19 August 2009
 27. Robert and Jean White e-mail dated 19 August 2009

28. Debbie Gordon e-mail dated 20 August 2009
29. Anonymous e-mail dated 20 August 2009
30. Wanda Martin e-mail dated 20 August 2009
31. Thomas Winingder e-mail dated 20 August 2009
32. Tangee Wall e-mail dated 20 August 2009
33. Anonymous-mail dated 20 August 2009
34. Rosalind Dupre e-mail dated 20 August 2009
35. Paul M. LeSassier e-mail dated 20 August 2009
36. Anonymous e-mail dated 20 August 2009
37. C.J. Cooper-Gates e-mail dated 20 August 2009

A public meeting was held for the proposed project on 13 August 2009. A number of verbal comments were received at the meeting, which can be found in appendix B.

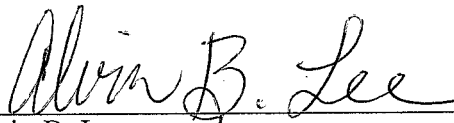
Decision. The CEMVN Environmental Planning and Compliance Branch has assessed the potential impacts on the human environment of the proposed action described in this IER, and has performed a review of the comments received during the public review period for the draft IER. Furthermore, all practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan. It has been determined that the proposed borrow areas do not contain any jurisdictional wetlands. The compensatory mitigation for impacts to non-jurisdictional BLH will be completed by landowners before excavation, and will be addressed in a separate IER(s) specifically written for mitigation implementation. The public of the Greater New Orleans area will be best served by implementing the selected plan as described in IER #29 in accordance with the environmental considerations discussed previously.

The CEMVN will prepare a CED that may contain additional information related to IER #29 that becomes available after the execution of the final IER. The CED will provide a final mitigation plan, a comprehensive cumulative impacts analysis, and any additional information that addresses outstanding data gaps in the IERs.

I have reviewed IER #29, and have considered agency recommendations and comments received from the public during the scoping phase and comment periods. I find the recommended plan fully addresses the objectives as set forth by the Administration and Congress in the 3rd, 4th, and 5th Supplemental Appropriations.

The plan is justified, in accordance with environmental statutes, and it is in the public interest to approve the proposed contractor-furnished borrow areas as described in this document.

9/8/09
Date


Alvin B. Lee
Colonel, U.S. Army
District Commander